

Serial No. 10/528,731
Atty. Doc. No. 2002P15759WOUS

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REMARKS

Claims 12-22 remain in the application. All of the claims were rejected under Section 102 based on Mann (WO 99/06974) or under and Section 103 (based on Mann, alone or in combination with Galiana '334 or Andersen '034). To further distinguish over the prior art, and to more fully satisfy the requirements under Section 112, independent claims 12 and 18 and numerous dependent claims have been amended. Claim 18 is now directed to a method for performing a diagnosis of a technical installation. Some of the amendments correct errors of an apparent nature or conform the dependent claims with the amendments to claims 12 and 18. In view of these amendments and the remarks which follow, Applicants request allowance of all claims.

The Mann reference was used to reject the claims because this reference discloses sensors "for detecting physiological responses ... [or to] collect real time body vital sign measurements ..." (see page 3, lines 19-24), but this is in the context of a robbery deterrent system 100. It is only in this context that a biosensor is disclosed, e.g., for "detecting physiological responses to emotions, such as fear." See page 3, lines 21-22. On the other hand, the scopes of independent claims 1 and 18 have never included such prior art embodiments. Rather, the present invention has always been directed to monitoring or diagnosis of a technical installation.

However, the most recent office action suggested at page 2 thereof that the robbery detection system 100 of Mann provides a function wherein the "claimed perception and/or sight is analysed to determine the condition of the portion of the technical installation ..." This cannot be since the reference does not at all relate to a "condition" of a technical installation.

The Mann reference does not teach or suggest the claim 1 (amended) feature of: analyzing a physiological reaction "to diagnose operational condition of a component." For similar reasons claim 18 is also distinct and non-obvious. By all appearances, the reference only pertains to security issues such as using "real time physiological data" of an employee to limit access to "a cash drawer, vault or secured area" such as when the employee is under emotional duress which can be detected as a physiological response by the sensor. See page 7.

It is submitted that with the amendments presented herein, claim 12 is fully distinguished over the prior art because it now requires, among other features,

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“acquiring a physiological reaction ... during an inspection tour of a portion of the technical installation ... to diagnose operational condition of a component of the technical installation.”

Claim 18 (amended) is fully distinguished over the prior art, requiring, among other features,

“acquiring a human physiological reaction ... during an inspection tour ... and analyzing the reaction to determine a condition of a portion of the technical installation.”

Each of the claims depending from claim 12 or claim 18 further distinguishes over the prior art.

Conclusion

Based on the amendments presented and the distinctions discussed herein, all of the claims are patentable and the application is now in condition for allowance. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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